

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 7 2019 ★

BROOKLYN OFFICE

-----X
SIXTO RODRIGUEZ, FRANCISCO
ASUNCION ANDRADE, RODRIGO
GRIJALVA ASCENCION, SANTOS
BAUTISTA, JACQUELIN CABRERA, AND
WILSON FLORES, individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

SOLARES CORP. (d/b/a RANCHO
MOFONGO) and DOMINGO MORONTA,

Defendants.

-----X
AMON, United States District Judge:

Plaintiffs bring this action against Solares Corp. (d/b/a Rancho Mofongo) and Domingo Moronta (collectively, the “Defendants”) seeking unpaid wages, overtime, spread-of-hours pay, liquidated damages, statutory damages, and reimbursement for “tools of the trade,” pursuant to the Fair Labor Standards Act and New York Labor Law. (D.E. # 1.) During all times relevant to this action, Defendants owned, operated, and controlled a Dominican restaurant calledp Rancho Mofongo in Corona, New York, where Defendants employed Plaintiffs in various capacities. (*Id.* ¶¶ 3, 22, 27.) Although Defendants answered, they subsequently failed to adequately defend, resulting in the Clerk’s entry of default pursuant to Federal Rule of Civil Procedure 55(a). (D.E. dated Feb. 16, 2018.) Plaintiffs thereafter moved for a default judgment against the Defendants, (D.E. # 25), and the Court referred the motion to the Honorable Steven M. Gold, United States Magistrate Judge, for a Report and Recommendation (“R&R”). On August 14, 2018, Magistrate

Judge Gold issued a thorough and well-reasoned R&R, recommending that Plaintiffs' motion be granted.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. Accordingly, the Court grants Plaintiffs' motion for default judgment and awards damages, attorney's fees, and costs in accordance with page 26 of the R&R. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: February 6, 2019
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge